

EXHIBIT 38

From: [Beral, Arash](#)
To: [Murphy, Michael D.](#); [Kenneth Hsu](#)
Cc: [Malynn, Todd M.](#)
Subject: SPAVI v. PCJV, et al. - Disclosures & Follow-Up Re: Today's Hearing
Attachments: [PCJV et al.'s Disclosures.pdf](#)

Mike and Kenny:

Please see attached disclosures. Additionally, this morning in Court, Mike had with him what appeared to be a box of white exhibit binders which I believe he represented would support the argument that there's been non-compliance with the Court's Injunction Order. Please immediately produce those documents. As well, please immediately itemize what exactly you believe is out of compliance so that we could have our clients immediately address them. I heard some mention about a receipt, a bucket, and a uniform? At which locations were those observed? Please itemize exactly the "issues" you believe exist so that we could accurately hit the target(s). The sooner you send this to us (perhaps this weekend?), the sooner we can direct our clients to address them. Let's please work cooperatively together. Thank you.

Best,

Arash

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